

Remarks

This Amendment is filed in response to the Notice of Allowance mailed September 2, 2009, and Applicants' telephone conversation with Examiner Chapman on September 8, 2009. In view of the telephone conversation, Applicants would like to thank the Examiner for allowing the previously cancelled method claims 29-33 to be rejoined with allowed claims 13-18, 20-21, 23-25, and 40 by submitting this Amendment Under 37 CFR 1.312. Claims 13-18, 20-21, 23-25, and 40 have been allowed and claims 29-33 are pending in the application. Claim 29 has been amended to incorporate the subject matter of allowed independent claim 13. No new subject matter has been added.

To summarize, in the Office Action Restriction mailed March 2, 2006, the Examiner restricted the following invention into five groups; namely Group I (Claims 1-12 and 39), Group II (Claims 13-25 and 40), Group III (Claims 26-28), Group IV (Claims 29-33) and Group V (Claims 34-38). In response to the Office Action Restriction dated April 3, 2006, Applicants elected to prosecute the claims of Group II (Claims 13-25 and 40) with traverse and reserved the right to file divisional applications directed to the subject matter of the non-elected claims.

Subsequently, product claims 13-18, 20-21, 23-25, and 40 were allowed by the Examiner on September 2, 2009. In view of the allowed claims and the restriction of the method claims dated March 2, 2006, it is hereby requested that the Examiner rejoin the

previously non-elected claims of Group IV (Claims 29-33) pursuant to MPEP 821.04 which states:

"The propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected invention(s) should be considered for rejoinder. Rejoinder involves withdrawal of a restriction requirement between an allowable elected invention and a nonelected invention and examination of the formerly nonelected invention on the merits."

As clearly stated above, if product claims were previously elected and one or more claims are subsequently allowed by the Examiner, withdrawn process claims in the same application can be rejoined. Therefore, in light of the foregoing, Applicants request that the Examiner withdraw the restriction of March 2, 2006, between the allowed elected claims of Group II with the withdrawn, and subsequently cancelled, non-elected process claims of Group IV.

Conclusion

In light of the amendments and remarks presented above, Applicants submit that the present application is in condition to receive a Supplemental Notice of Allowability allowing rejoined claims 29-33, and such action is respectfully requested. If, however, any issues remain unresolved, the Examiner is invited to telephone Applicants' counsel at the number provided below. If any fees for the accompanying response are required, the Commissioner is hereby authorized to charge them to Deposit Account No. 502190.

Respectfully submitted,

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